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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
SHAH, CHIRAG G	

ART UNIT	PAPER NUMBER
2664	

DATE MAILED: 02/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/697,822	RYAN, RONALD D
	Examiner	Art Unit
	Chirag G Shah	2664

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 October 2000*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-42* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-42* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *26 October 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *3/12/02*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1 and 19 rejected under 35 U.S.C. 102(a) as being anticipated by (ETSI TS 101 509 v8.0.0), hereinafter, ETSI.

Referring to claims 1, 5-8, 19 and 26, ETSI discloses on page 41 of a method for lawful interception of GPRS communication related information comprising:

selecting a location for intercepting a communication in a packet data network based at least in part on an event type [as disclosed in Figure B.1 on page 41, GSN (GPRS Supporting Node) can be SGSN or GGSN; as disclosed on page 42, section B.2, every single SGSN or GGSN performs interception and as disclosed on page 59, figure b17 shows the interception of network initiated by SGSN];

detecting the occurrence of a predetermined event in said packet data network [as disclosed on page 59, section B.5.4, figures B18-B19, shows the detection of the interception of an Intra routing area update where the mobile (A) is the target for interception and as disclosed on page 51-52, section B.3.3.2-B.3.3.3, the events transmit information from GSN to Delivery Function (DF2P), the observed Interception area],

gathering communication related information of said communication at said selected location in response to said detection of the occurrence of said event [as disclosed on page 52-55, upon occurrence of the multiple events as described, event record is generated (section B3.3.3.4) and will be delivered to the DF2P]; and

transmitting said gathered communication related information to at least one law enforcement agency [as disclosed on page 48, section B.3-Invocation of Lawful interception and figure B11, SGSN or GGSN provides correlation number and target identity to the DF2P and DF3P which is used there in order to select the different LEAs where the product shall be delivered to] as claim.

Referring to claim 26, ETSI discloses on page 41 of a method for lawful interception of GPRS communication related information comprising:

means [SGSN] detecting the occurrence of a predetermined event in said packet data network [as disclosed on page 59, section B.5.4, figures B18-B19, shows the detection of the interception of an Intra routing area update where the mobile (A) is the target for interception and as disclosed on page 51-52, section B.3.3.2-B.3.3.3, the events transmit information from GSN to Delivery Function (DF2P), the observed Interception area],

means [SGSN] gathering communication related information of said communication at said selected location in response to said detection of the occurrence of said event [as disclosed on page 52-55, upon occurrence of the multiple events as described, event record is generated (section B3.3.3.4) and will be delivered to the DF2P]; and

means [DF2P] transmitting said gathered communication related information to at least one law enforcement agency [as disclosed on page 48, section B.3-Invocation of Lawful

interception and figure B11, SGSN or GGSN provides correlation number and target identity to the DF2P and DF3P which is used there in order to select the different LEAs where the product shall be delivered to] as claim.

Referring to claim 5, ETSI discloses wherein said selecting a location comprises intercepting said communication at a serving node in said packet data network if the event is a path establishment or a path release [as disclosed in Figure B.1 on page 41, GSN (GPRS Supporting Node) can be SGSN or GGSN; as disclosed on page 42, section B.2, every single SGSN or GGSN performs interception and as disclosed on page 59, figure b17 shows the interception of network initiated by SGSN; as disclosed on page 52, sections B.3.3.3.1-B.3.3.3.2, the attach and detach events are generated at the SGSN] as claim.

Referring to claim 6, ETSI discloses in section B.3 on page 48 wherein said serving node is selected from the group consisting of a SGSN as claim.

Referring to claim 7, ETSI discloses wherein said selecting a location comprises intercepting said communication at a gateway node [SGSN] in said packet data network if the event is transmission of a packet [as disclosed in Figure B.1 on page 41, GSN (GPRS Supporting Node) can be SGSN or GGSN; as disclosed on page 42, section B.2, every single SGSN or GGSN performs interception and as disclosed on page 59, figure b17 shows the interception of network initiated by SGSN; as further disclosed on page 51, section B.3.3.2, start of interception with PDP context active] as claim.

Referring to claim 8, ETSI discloses in section B.3 on page 48 wherein said gateway node is selected from the group consisting of a GGSN as claim.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 3, 9, 11-15, 17, 18, 22-25, and 27-42 rejected under 35 U.S.C. 103(a) as being unpatentable over (ETSI TS 101 509 v8.0.0), hereinafter, ETSI in view of Prieur (U.S. Patent No. 6,470,075).

Referring to claim 27, ETSI discloses in figure B.1 on page 41 of a network for lawful interception communication related information, comprising:

ETSI discloses in figure B.1 and on page 42, section B.2 of SGSN having the functionality of performing interception. Note, ETSI enables SGSN (Serving GSN node) to perform target interception, which is acceptable by the Applicant's specification on page 12, 1st paragraph states, SAP may be included in any of serving node. ETSI further discloses on page 52 and in section B.3.3.3, the DF2P receives an event type, time, date etc...from SGSN in a packet mode data network. ETSI further discloses of gathering communication related information of said communication at said selected location in response to said detection of the occurrence of said event [as disclosed on page 52-55, upon occurrence of the multiple events as described, event record is generated (section B3.3.3.4) and will be delivered to the DF2P] and transmitting said gathered communication related information to at least one law enforcement agency [as disclosed on page 48, section B.3-Invocation of Lawful interception and figure B11,

SGSN or GGSN provides correlation number and target identity to the DF2P and DF3P which is used there in order to select the different LEAs where the product shall be delivered to] as claim.

ETSI fails to disclose of a base station for receiving an event, a node operable to communicate with the base station and a SAP operable to communicate with the node, wherein the SAP intercepts, gathers and provides the gathered information to the law enforcement agency.

Prieur teaches of a system and method for determining whether at least one subscriber participating in a communication session is marked for monitoring by a LEA.

Prieur discloses in figure 2 and respective portions of the specification of a base station [BS] for receiving an event from an intercept device [Intercept Access Point (IAP) 14] via MSC. As mentioned before, Prieur discloses in col. 3, lines 60 to col. 4, lines 7 and col. 4, lines 54-56, that IAP may be co-located with the MSC 16 or may be logically connected to MSC, in order to be able to intercept communications of monitored subscribers. Prieur further discloses in figure 2 of a node [target mobile station] operable to communicate with the base station [BS] and the MSC [logically connected to SAP (IAP)]. Prieur also discloses in col. 5, lines 49 to col. 6, lines 2, of SAP (IAP 14) intercepts the call content and the call identification information, which is then delivered through the delivery function 18 to the Law Enforcement Agency 30.

Therefore, it would have been obvious to one of ordinary skills in the art at the time of the invention to modify the teachings of ETSI to include the features for performing the functionalities as taught by Prieur in order for the LEAs to find potentially incriminating information relating to the monitor subscribers in real-time without prolonged delays.

Referring to claim 3, Prieur discloses in figure 2 and in col. 4, lines 54-56, wherein the interception is performed by a Surveillance Access Point (SAP) [IAP 14].

Referring to claims 9 and 25, ETSI discloses on page 48 and 52-55 wherein said transmitting said gathered communication related information further comprises: providing said gathered information to a delivery function [as disclosed on page 48, section B.3, SGSN delivers intercepted data to DF2P and DF3P]; Prieur discloses of formatting said gathered information by said delivery function into a format acceptable to said at least one law enforcement agency; and formatting said formatted information to said law enforcement agency [as disclosed in figure 2 and in col. 4, lines 54-56 and col. 5, lines 18-40 and 63-67, IAP intercepts communication of monitored subscribers and includes a module for formatting data and then forwarding the data to the delivery sub function18 ; and providing said report to said law enforcement agency [as disclosed in col. 5, lines 63-67, the delivery function delivers the intercepted information of the monitored subscriber to LEA 30].

Referring to claim 11, Prieur discloses in figure 2 wherein said transmitting said gathered communication related information comprises: formatting said gathered information by said SAP [IAP 14] into a report acceptable to said at least one law enforcement agency [as disclosed in figure 2 and in col. 4, lines 54-56 and col. 5, lines 18-40 and 63-67, IAP intercepts communication of monitored subscribers and includes a module for formatting data and then forwarding the data to the delivery sub function18 ; and providing said report to said law enforcement agency [as disclosed in col. 5, lines 63-67, the delivery function delivers the intercepted information of the monitored subscriber to LEA 30].

Referring to claim 12, ETSI discloses on page 51, section B.3.3.2 wherein said gathering communication related information includes gathering said communication related information based at least in part on said detected event [PDP context] as claim.

Referring to claim 13, Prieur discloses in col. 4, lines 8-24 wherein said gathered communication related information includes information related to call signaling [a call data channel may be used for carrying messages reporting the call-identifying information].

Referring to claim 14, ETSI discloses wherein said gathered communication related information includes information related to path establishment or path release [as disclosed on page 52, sections B.3.3.3.1-B.3.3.3.2, the attach and detach events are generated at the SGSN].

Referring to claim 15, ETSI discloses wherein said gathered communication related information includes packet information [as disclosed on page 51, section B.3.3.2, start of interception with PDP context active].

Referring to claims 18, 23, 24 and 42, ETSI discloses on page 52, section B.3.3.3.4 wherein detected event is transmission of a packet [PDP context] in the packet data network, wherein said packet includes a payload [context] and a network layer [PDP address of observed party], and wherein the collected communication related information includes information selected from the group consisting of said packet[PDP context] and a destination address (PDP address of observed party) of said packet.

Referring to claim 17 and 22, ETSI discloses wherein said detected event is selected from the group consisting of the establishment of a path [observed PDP context s disclosed on page 53, section B.3.3.3.4] and release of a path [no PDP context or deactivation of PDP context event generated as disclosed on page 54, section B.3.3.3.5], wherein said collected communication

related information includes a path related information [as disclosed in sectionB.3.3.3.4], wherein said path related information is selected from the group consisting of path established and path released [as disclosed in section B.3.3.3.4-B.3.3.3.5], wherein said collected information further includes information selected from the group consisting of a time stamp[as disclosed in B.3.3.3.3, event type, time and date] for the detection of the occurrence of said event, and a path identifier for said path.

Referring to claim 28, Prieur discloses in figure 2 wherein said base station is a Radio Access Network.

Referring to claim 29, Prieur discloses in figure 2 wherein said intercept device [mobile device] is a mobile terminal selected from the group consisting of a wireless phone, a personal digital assistant, and a pager.

Referring to claims 30 and 31, ETSI discloses wherein said node is a serving node as disclosed in Figure B.1 on page 41, GSN (GPRS Supporting Node) can be SGSN or GGSN].

Referring to claim 32, ETSI discloses in figure B.1 and on page 42, section B.2 of SGSN having the functionality of performing interception. Note, ETSI enables SGSN (Serving GSN node) to perform target interception, which is acceptable by the Applicant's specification on page 12, 1st paragraph states that, SAP may be included in any of serving node. Prieur discloses in col. 4, lines 5-7, wherein said SAP[IAP 14] may be a part [co-located] of a node selected from the group consisting of a serving node[SGSN] and a gateway node[GGSN].

Referring to claim 33, ETSI discloses in section B.3 on page 48 wherein said SAP is part of a node selected from the group consisting of a serving GPRS support node, an extended

serving GPRS support node, a gateway GPRS support node, and an extended gateway GPRS support node.

Referring to claim 34, ETSI discloses on pages 51-55 of table of events gathered and transmitted from GSN to DF2P wherein said gathered communication related information includes information about the initiation of a call setup[event type, date/time of PDP context active] by said intercept device.

Referring to claim 35, ETSI discloses on pages 51-55 of table of events gathered and transmitted from GSN to DF2P wherein said gathered communication related information includes information about the initiation of a session setup [date and time of event] by said intercept device.

Referring to claim 36, ETSI discloses on pages 51-55 of table of events gathered and transmitted from GSN to DF2P wherein said gathered communication related information includes information about the establishment of a communication path between said intercept device and a network service [PDP activation and PDP address of the target subscriber and GSN].

Referring to claim 37, ETSI discloses on pages 51-55 of table of events gathered and transmitted from GSN to DF2P wherein said gathered communication related information includes information about the release of a communication path between said intercept device and a network service [PDP deactivation].

Referring to claim 38, ETSI discloses on pages 51-55 of table of events gathered and transmitted from GSN to DF2P wherein said gathered communication related information

includes the destination address of a packet transmitted over communication path between said intercept device and a network service [the PDP address of the target subscriber].

Referring to claim 39, ETSI discloses on pages 48-49, sections B.3-B.3.1 wherein said destination address is the address of said network service [LEA].

Referring to claim 40, ETSI discloses on pages 48-49, sections B.3-B.3.1 wherein said destination address is the address of another device [Delivery function 3P] associated with said network service[LEA] and said gathered information further includes an address of said network service, wherein said packet is delivered to said another device via said network service.

Referring to claim 41, Prieur discloses in figure 1 wherein said network service is associated with an Internet Service Provider (ISP) [Service Provider Administration Sub-function] as claim.

5. Claims 2 and 20 rejected under 35 U.S.C. 103(a) as being unpatentable over ETSI in view of Hippelaninen (U.S. Pub. 2002/0078384).

Referring to claims 2 and 20, ETSI discloses of a packet data network comprising of GPRS. ETSI fails to disclose packet data network comprises of UMTS network. Hippelaninen discloses in the abstract, paragraphs 0005, 0015 and 0051, wherein said packet data network comprises a UMTS network. Therefore, it would have been obvious to one of ordinary skills in the art at the time of the invention to modify the teachings of ETSI to include serving another packet data network comprising of UMTS network in addition to GPRS as taught by Hippelaninen in order to provide lawful interception functionality for multiple packet data networks.

Claims 4, 16 and 21 and rejected under 35 U.S.C. 103(a) as being unpatentable over ETSI in view of Hasan et al. (U.S. 6,707,813).

Referring to claims 4, 16 and 21, ETSI discloses on pages 52-55 of GPRS related events information selected from the group consisting of a time stamp[Event time and date] for the detection of the occurrence of the event, a session identifier, and an identifier of the type of the communication. ETSI fails to disclose wherein said call signaling information includes information indicating the type of signaling, wherein said information is selected from the group consisting of H.323 and SIP. Hasan teaches of a method of call control in a packet-switched radio telecommunications network. Hasan discloses in col. 2, lines 31-58 of utilizing CSCF to serve H.323 gatekeeper or a SIP proxy server. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of ETSI to include implementing call control protocols such as SIP and H.323 in order to minimize delays.

Claims 10 rejected under 35 U.S.C. 103(a) as being unpatentable over ETSI in view Prieur further in view of Dikmen et al. (U.S. Patent No. 6577865), hereinafter Dikmen.

Referring to claim 10, ETSI in view of Prieur discloses of delivery function. ETSI in view of Prieur fails to explicitly disclose the delivery function utilizes a J-STD-025 interface. Dikmen teaches a system for intercepting of wireless communication. Dikmen discloses in col. 3, lines 66 to col. 4, lines 13, wherein the delivery function utilizes a J-STD-025 interface. Therefore, it would have been obvious to one of ordinary skills in the art at the time of the invention to modify the teachings of ETSI in view of Prieur to include utilizing a J-STD-025 interface as taught by Dikmen in order to be able to verify the connectivity of the call data

channels (CDC), which are generally used to transport messages which report call-identifying information, such as calling party identities and called party identities.

Conclusion

Any response to this action should be mailed to:

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Or faxed to:

(703)305-3988, (for formal communications intended for entry)

Or:

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Hand-delivered responses should be brought to Crystal Park II, 2021 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chirag G Shah whose telephone number is 571-272-3144. The examiner can normally be reached on M-F 6:45 to 4:15, 2nd Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on 571-272-3134. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

cgs
February 14, 2005

Ajit Patel
Primary Examiner